

REMARKS

Claims 14-30 are pending in this application. The Office Action has rejected claims 14-17, 22-23, and 29 under 35 U.S.C. §102(a), and has objected to claims 18-21, 24-28, and 30. Applicant respectfully traverses the foregoing rejections and objections.

Applicant thanks the Examiner for the indication that claims 18-21, 24-28, and 30 were objected to only for being dependent upon a rejected base claim, but are otherwise allowable.

I. Information Disclosure Statement

An Information Disclosure Statement with Form PTO-1449 was filed on November 3, 2005. Although a copy of the Form PTO-1449 was included with the Office Action, and most of the references were initialed to acknowledge consideration of the references, the U.S. Patent reference on the Form PTO-1449 was not initialed by the Examiner to acknowledge the fact that the Examiner has considered the cited information. The Examiner is requested to fully initial and return to the undersigned a copy of the subject Form PTO-1449. For the convenience of the Examiner, a copy of that form is attached.

II. Rejection Under 35 U.S.C. §102(a)

Claims 14-17, 22-23, and 29 were rejected under 35 U.S.C. §102(a) as anticipated by Nakamura et al. (Patent No. JP2005090426A; hereafter "Nakamura"). Applicant respectfully traverses this rejection.

Applicant respectfully submits the Office Action improperly applied Nakamura. Under 35 U.S.C. §102(a), the claimed invention must "have been patented or described in a printed publication in this or a foreign country before the invention thereof by the applicant for patent." In the present circumstance, Nakamura was published on April 7, 2005, which is later than February 28, 2005, international filing date of this national phase application.

Because the national phase application is entitled to the international filing date, Nakamura is not prior art to this application.

For at least this reason, Nakamura would not have anticipated the instant application. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.


As stated above, Applicant submits that Nakamura was improperly applied as a prior art reference. Therefore, the base claims upon which claims 18-21, 24-28, and 30 depend are allowable. Accordingly, reconsideration and withdrawal of the objections are respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:

Form PTO-1449

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